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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,735	08/22/2001	Rohit J. Parmar	119862-1000	9021

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GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
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Dallas, TX 75201-4767

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,735

Applicant(s)

PARMAR, ROHIT J.

Examiner

Jean M. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on June 19, 2006, in which claims 18-37 are pending for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 18-37 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al., (hereinafter "Wright") US patent no. 6,004,276 and Merrill US Patent no. 6,106,301.

As to claim 18, Wright system is directed to object oriented information system for use in a hospital, in particular for use by the cardiology department of a hospital (col.1, lines 7-9). In particular, Wright discloses the claimed "a network computer" (col.3, lines 35-41; col.10, lines 13-22); "a system management database" a computer-based cardiology data management system (col.10, lines 13-14); 'a data collection module in communication with the database and being configured to collect and store patient test data, patient information, and healthcare provider information, wherein the data collection module comprises data entry form for recording patient cardiological test data" the medical record of a patient, test data and cardiology patients

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information that must be managed and archived (col.3, lines 1-9); and “a report generation module in communication with the database for producing reports from one or more selected items of patient test data” by printing a report based on the patient information (test) (col.21, lines 5-10; and col.22, lines 4-17; col.48, lines 21-42); “a data viewing and editing module communication with the database and being configured to limit access to modify the patient test data to preauthorized healthcare worker persons; a patient information access module in communication with the database and being configured to limit access to view tests performed on the patient to the preauthorized healthcare worker persons; and a physician viewing module in communication with the database operable to allow preauthorized physicians to view patient test data” user is able to view and edit list of patient records contained on the database depending on the user’s privilege level (col.21, lines 20-58). However, Wright does not explicitly disclose the use of displaying an image on said visual display said image including a listing of the modules, respectively.

On the other hand, Merrill discloses a monitoring training system that allows medical professional to enhance realism within a medical procedure simulation system by incorporating various peripherals in the form of mock medical instruments within an interface device utilized by the medical procedure simulation system to enable realistic simulation of various aspects of a medical procedure, wherein the computer device retrieve and processes data from the trainer based on sensor data received from the internal sensors, and sends the processed data to a display that provides a visual display simulating a realistic environment showing simulated movement of the catheter through the heart and vasculature (col.2, lines 32-36; col.5, lines 18-50; col.6, lines 45-67). These implications disclose the claimed displaying an image on said visual display

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said image including a listing of the modules, respectively. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references, wherein the medical system as disclosed by Wright would incorporate the use of displaying an image on said visual display. One having ordinary skill in the art would have found it motivated to incorporate the visual display of Merrill in the cardiology information system of Wright because that would provide Wright's system the enhanced training of a medical procedure to physicians and other medical professionals, thereby enabling realistic simulation of navigation of these instruments through an arterial network.

As to claim 19, Wright discloses the claimed "wherein the data collection module includes means requiring entry of the name and a preauthorized password of a healthcare worker person to gain access to the data collection module" entry of the physician's login name and password (col.21, lines 40-51).

As to claim 20, Wright discloses the claimed "wherein the data collection module includes means for selecting a test data entry form for which data is to be collected" (col.65, lines 60-65).

As to claim 21, Wright discloses the claimed "wherein the data collection module includes means for recording account identification information of a patient whose data is to be collected and stored in the data collection module" (col.23, lines 58-66).

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As to claim 22, Wright discloses the claimed “wherein the data collection module includes means for recording the name of a physician and the name of person entering data in the data collection module” (col.24, lines 28-38; col.25, lines 45-60).

As to claim 23, Wright discloses the claimed “wherein the data viewing and editing module includes means requiring entry the name of the healthcare worker person and an identifier healthcare worker person gain access patient test data” (col.24, lines 8-20).

As to claim 24, Wright discloses the claimed “wherein the data viewing and editing module includes means permitting authorized healthcare worker persons to select test data entry form to be viewed or edited” (col.21, lines 20-52).

As to claim 25, Wright discloses the claimed “wherein the data viewing and editing module includes means providing for entering the name of the patient for whom the preauthorized healthcare worker person desires to view a test data entry form” (col.21, lines 20-52)).

As to claim 26, Wright discloses the claimed “wherein the physician viewing module includes means requiring entry the name and an identifier of preauthorized physician desiring to read selected patient test data” (col.21, lines 38-44; col.22, lines 18-32).

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As to claim 27, Wright discloses the claimed “wherein the physician viewing module includes means requiring entry of the name of the patient for whom patient test data is to be read and means for selecting particular test data”(col.21, lines 46-55).

As to claims 28, Wright discloses the claimed “wherein the patient information access module includes means for providing information the healthcare worker person using the system tests that have been performed on a patient whose name has been entered the system by way of the patient information access module”(col.79, lines 14-21).

5. Claims 18-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al., (hereinafter “Wright”) US patent no. 6,004,276 and DiRienzo US Patent no. 6,006,191.

As to claim 18, Wright system is directed to object oriented information system for use in a hospital, in particular for use by the cardiology department of a hospital (col.1, lines 7-9). In particular, Wright discloses the claimed “a network computer” (col.3, lines 35-41; col.10, lines 13-22); “a system management database” a computer-based cardiology data management system (col.10, lines 13-14); ‘a data collection module in communication with the database and being configured to collect and store patient test data, patient information, and healthcare provider information, wherein the data collection module comprises data entry form for recording patient cardiological test data” the medical record of a patient, test data and cardiology patients information that must be managed and archived (col.3, lines 1-9); and “a report generation module in communication with the database for producing reports from one or more selected items of patient test data” by printing a report based on the patient information (test) (col.21,

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lines 5-10; and col.22, lines 4-17; col.48, lines 21-42); “a data viewing and editing module communication with the database and being configured to limit access to modify the patient test data to preauthorized healthcare worker persons; a patient information access module in communication with the database and being configured to limit access to view tests performed on the patient to the preauthorized healthcare worker persons; and a physician viewing module in communication with the database operable to allow preauthorized physicians to view patient test data” user is able to view and edit list of patient records contained on the database depending on the user’s privilege level (col.21, lines 20-58). However, Wright does not explicitly disclose the use of displaying an image on said visual display said image including a listing of the modules, respectively.

On the other hand, DiRienzo discloses the claimed displaying an image on said visual display said image including a listing of the modules, respectively (col.3, lines 8-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references, wherein the medical system as disclosed by Wright would incorporate the use of displaying an image on said visual display. One having ordinary skill in the art would have found it motivated to incorporate the visual display of DiRienzo in the cardiology information system of Wright because that would provide Wright’s system the enhanced capability of monitoring a rate of change of position of the patient’s electronic medical image, thereby providing the best possible to the patient.

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As to claim 19, Wright discloses the claimed “wherein the data collection module includes means requiring entry of the name and a preauthorized password of a healthcare worker person to gain access to the data collection module” entry of the physician’s login name and password (col.21, lines 40-51).

As to claim 20, Wright discloses the claimed “wherein the data collection module includes means for selecting a test data entry form for which data is to be collected” (col.65, lines 60-65).

As to claim 21, Wright discloses the claimed “wherein the data collection module includes means for recording account identification information of a patient whose data is to be collected and stored in the data collection module” (col.23, lines 58-66).

As to claim 22, Wright discloses the claimed “wherein the data collection module includes means for recording the name of a physician and the name of person entering data in the data collection module” (col.24, lines 28-38; col.25, lines 45-60).

As to claim 23, Wright discloses the claimed “wherein the data viewing and editing module includes means requiring entry the name of the healthcare worker person and an identifier healthcare worker person gain access patient test data” (col.24, lines 8-20).

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As to claim 24, Wright discloses the claimed “wherein the data viewing and editing module includes means permitting authorized healthcare worker persons to select test data entry form to be viewed or edited” (col.21, lines 20-52).

As to claim 25, Wright discloses the claimed “wherein the data viewing and editing module includes means providing for entering the name of the patient for whom the preauthorized healthcare worker person desires to view a test data entry form” (col.21, lines 20-52)).

As to claim 26, Wright discloses the claimed “wherein the physician viewing module includes means requiring entry the name and an identifier of preauthorized physician desiring to read selected patient test data” (col.21, lines 38-44; col.22, lines 18-32).

As to claim 27, Wright discloses the claimed “wherein the physician viewing module includes means requiring entry of the name of the patient for whom patient test data is to be read and means for selecting particular test data”(col.21, lines 46-55).

As to claims 28, Wright discloses the claimed “wherein the patient information access module includes means for providing information the healthcare worker person using the system tests that have been performed on a patient whose name has been entered the system by way of the patient information access module”(col.79, lines 14-21).

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As to claims 32-37, Wright and Merrill substantially disclose the invention as claimed. In addition, Wright system is directed to object oriented information system for use in a hospital, in particular for use by the cardiology department of a hospital (col.1, lines 7-9). In particular, Wright discloses the claimed “a network computer” (col.3, lines 35-41; col.10, lines 13-22); “a system management database” a computer-based cardiology data management system (col.10, lines 13-14); ‘a data collection module in communication with the database and being configured to collect and store patient test data, patient information, and healthcare provider information, wherein the data collection module comprises data entry form for recording patient cardiological test data” the medical record of a patient, test data and cardiology patients information that must be managed and archived (col.3, lines 1-9); and “a report generation module in communication with the database for producing reports from one or more selected items of patient test data” by printing a report based on the patient information (test) (col.21, lines 5-10; and col.22, lines 4-17; col.48, lines 21-42); “a data viewing and editing module communication with the database and being configured to limit access to modify the patient test data to preauthorized healthcare worker persons; a patient information access module in communication with the database and being configured to limit access to view tests performed on the patient to the preauthorized healthcare worker persons; and a physician viewing module in communication with the database operable to allow preauthorized physicians to view patient test data” user is able to view and edit list of patient records contained on the database depending on the user’s privilege level (col.21, lines 20-58). However, Wright does not explicitly disclose the use of displaying an image on said visual display said image including a listing of the modules, respectively.

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On the other hand, DiRienzo discloses the claimed displaying an image on said visual display said image including a listing of the modules, respectively (col.3, lines 8-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references, wherein the medical system as disclosed by Wright would incorporate the use of displaying an image on said visual display. One having ordinary skill in the art would have found it motivated to incorporate the visual display of DiRienzo in the cardiology information system of Wright because that would provide Wright's system the enhanced capability of monitoring a rate of change of position of the patient's electronic medical image.

Conclusion

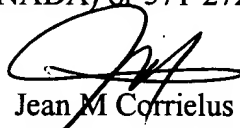
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M Corrielus
Primary Examiner
Art Unit 2162

September 8, 2006